UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,108	06/22/2000	Denis Serenyi	04860.P2535	9213

7590 04/28/2006

James C Scheller Jr
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER	
DUONG, THOMAS	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/603,108	SERENYI ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 8, 10-13, 15-20, 69-88, 137-139, 141-142, and 145* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8, 10-13, 15-20, 69-88, 137-139, 141-142, and 145* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/3/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on February 3, 2006. Applicant amended *claims 1, 3, 12, 69, 71, 80, 137-139, and 141-142. Claims 1-6, 8, 10-13, 15-20, 69-88, 137-139, 141-142, and 145* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. *Claims 1-6, 8, 10-13, 15-20, 69-74, 76-88, 137-139, 141-142, and 145* are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (US006629138B1) and in view of Hoffman et al. (RFC 2250: RTP Payload Format for MPEG1/MPEG2 Video).

4. With regard to *claims 1, 12, 69, 80, 137, 139, 141-142, and 145*, Lambert discloses,

   - *transmitting a request for streaming media data to be delivered to said caching proxy server;* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; fig.2-3)

Lambert discloses, *"a subscriber's requests to retrieve certain published content"* (Lambert, col.6, lines 3-4), which causes the *"web browser 100 then [sending] an HTTP request to a remote caching server 204. In response, caching server 204 either retrieves cached content from cache 300 or sends an HTTP request via the Internet to a publisher's machine to retrieve non-cached content"* (Lambert, col.6, lines 8-12). Hence, Lambert discloses method for receiving requests for streaming media data from the users; and, in response to the requests, retrieving the streaming media data from data servers, storing the streaming media data at a caching proxy server, and finally streaming the media data to the requested users.

- *transmitting a request for one or more Real-Time Protocol ("RTP") extensions associated with said streaming media data,* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; fig.2-3)

  Lambert discloses, *"a subscriber's requests to retrieve certain published content"* (Lambert, col.6, lines 3-4), which causes the *"web browser 100 then [sending] an HTTP request to a remote caching server 204. In response, caching server 204 either retrieves cached content from cache 300 or sends an HTTP request via the Internet to a publisher's machine to retrieve non-cached content"* (Lambert, col.6, lines 8-12). Hence, Lambert discloses method for receiving requests for streaming media data from the users; and, in response to the requests, retrieving the streaming media data from data servers, storing the streaming media data at a caching proxy server, and finally streaming the media data to the requested users.

- *receiving said streaming media data and storing said streaming media data on a storage device which is capable of being controlled by said caching proxy server; and* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6)

  Lambert discloses, *"a subscriber's requests to retrieve certain published content"* (Lambert, col.6, lines 3-4), which causes the *"web browser 100 then [sending] an HTTP request to a remote caching server 204. In response, caching server 204 either retrieves cached content from cache 300 or sends an HTTP request via the Internet to a publisher's machine to retrieve non-cached content"* (Lambert, col.6, lines 8-12). Hence, Lambert discloses method for receiving requests for streaming media data from the users; and, in response to the requests, retrieving the streaming media data from data servers, storing the streaming media data at a caching proxy server, and finally streaming the media data to the requested users.

However, Lambert does not explicitly disclose,

- *wherein each of said one or more RTP extensions represents a type of related or unrelated data that is necessary for performing a particular transmission operation for a packet of said streaming media data;*
- *receiving said one or more RTP extensions associated with said streaming media data, wherein each of said one or more RTP extensions is a sub-extension in an extensible extended RTP header of the packet of said streaming media data, wherein the sub-extension has a sub-extension name code and data, wherein the sub-extension name code uniquely identifies and describes the*

type of the data in the sub-extension, and a sub-extension identification (ID) identifying the sub-extension within each RTP packet.

Hoffman teaches,

- *wherein each of said one or more RTP extensions represents a type of related or unrelated data that is necessary for performing a particular transmission operation for a packet of said streaming media data;*

  Hoffman teaches:

  > Extensions present (1 bit). If set to 1, this header extension, including the composite display extension when D = 1, will be followed by one or more of the following extensions: quant matrix extension, picture display extension, picture temporal scalable extension, picture spatial scalable extension and copyright extension. (Hoffman, pg.9, sec.3.4.1)
  >
  > The extension start code (32 bits) and the extension start code ID (4 bits) are included. Therefore the extensions are self identifying. (Hoffman, pg.9, sec.3.4.1)

  Hence, Hoffman teaches of the use of a code ID in the header extension field of the RTP Payload Format for MPEG1/MPEG2 Video to denote and identify each specific extension for which they stand for.

- *receiving said one or more RTP extensions associated with said streaming media data, wherein each of said one or more RTP extensions is a sub-extension in an extensible extended RTP header of the packet of said streaming media data, wherein the sub-extension has a sub-extension name code and data, wherein the sub-extension name code uniquely identifies and describes the type of the data in the sub-extension, and a sub-extension identification (ID) identifying the sub-extension within each RTP packet.*

  Hoffman teaches:

  > Extensions present (1 bit). If set to 1, this header extension, including the composite display extension when D = 1, will be followed by one or more of the following extensions: quant matrix extension, picture display extension, picture temporal

> scalable extension, picture spatial scalable extension and copyright extension. (Hoffman, pg.9, sec.3.4.1)
>
> The extension start code (32 bits) and the extension start code ID (4 bits) are included. Therefore the extensions are self identifying. (Hoffman, pg.9, sec.3.4.1)

Hence, Hoffman teaches of the use of a code ID in the header extension field of the RTP Payload Format for MPEG1/MPEG2 Video to denote and identify each specific extension for which they stand for.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Hoffman with the teachings of Lambert to convey information regarding the content of one or more corresponding data streams from the data stream servers and to provide for reliable real-time data streaming in a multimedia delivery system while utilizing best effort unreliable network services. According to Lambert, *"it is therefore an object of the present invention to provide a method to manage passive and active data throughout the network, and offer an improved method and apparatus for storing and delivering information on the Internet"* (Lambert, col.2, lines 24-27).

5. With regard to *claims 2 and 70*, Lambert and Hoffman disclose,

- *storing said data one or more RTP extensions associated with said streaming media data in said storage device.* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

6. With regard to *claims 3, 71, and 138*, Lambert discloses,

- *receiving a request for streaming media data, said request including a request for one or more Real-Time Protocol ("RTP") extensions associated with said streaming media data,* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.8, lines 3-7; col.12, lines 57-60; fig.2-3; fig.6)
- *responding to the request with a response indicating a capability of the server to support the request; and* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.8, lines 3-7; col.12, lines 57-60; fig.2-3; fig.6)

However, Lambert does not explicitly disclose,

- *wherein each of said one or more RTP extensions represents a type of related or unrelated data that is necessary for performing a particular transmission operation for a packet of said streaming media data;*
- *sending the requested one or more RTP extensions associated with said streaming media data, wherein each of said one or more RTP extensions is a sub-extension in an extensible extended RTP header of the packet of said streaming media data, wherein the sub-extension has a sub-extension name code and data, wherein the sub-extension name code uniquely identifies and describes the type of the data in the sub-extension, and a sub-extension identification (ID) identifying the sub-extension within each RTP packet.*

Hoffman teaches,

- *wherein each of said one or more RTP extensions represents a type of related or unrelated data that is necessary for performing a particular transmission operation for a packet of said streaming media data;*

Hoffman teaches:

> Extensions present (1 bit). If set to 1, this header extension, including the composite display extension when D = 1, will be followed by one or more of the following

> extensions: quant matrix extension, picture display extension, picture temporal scalable extension, picture spatial scalable extension and copyright extension. (Hoffman, pg.9, sec.3.4.1)
>
> The extension start code (32 bits) and the extension start code ID (4 bits) are included. Therefore the extensions are self identifying. (Hoffman, pg.9, sec.3.4.1)

Hence, Hoffman teaches of the use of a code ID in the header extension field of the RTP Payload Format for MPEG1/MPEG2 Video to denote and identify each specific extension for which they stand for.

- *sending the requested one or more RTP extensions associated with said streaming media data, wherein each of said one or more RTP extensions is a sub-extension in an extensible extended RTP header of the packet of said streaming media data, wherein the sub-extension has a sub-extension name code and data, wherein the sub-extension name code uniquely identifies and describes the type of the data in the sub-extension, and a sub-extension identification (ID) identifying the sub-extension within each RTP packet.*

  Hoffman teaches:

  > Extensions present (1 bit). If set to 1, this header extension, including the composite display extension when D = 1, will be followed by one or more of the following extensions: quant matrix extension, picture display extension, picture temporal scalable extension, picture spatial scalable extension and copyright extension. (Hoffman, pg.9, sec.3.4.1)
  >
  > The extension start code (32 bits) and the extension start code ID (4 bits) are included. Therefore the extensions are self identifying. (Hoffman, pg.9, sec.3.4.1)

  Hence, Hoffman teaches of the use of a code ID in the header extension field of the RTP Payload Format for MPEG1/MPEG2 Video to denote and identify each specific extension for which they stand for.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Hoffman with the teachings of

Lambert to convey information regarding the content of one or more corresponding data streams from the data stream servers and to provide for reliable real-time data streaming in a multimedia delivery system while utilizing best effort unreliable network services. According to Lambert, *"it is therefore an object of the present invention to provide a method to manage passive and active data throughout the network, and offer an improved method and apparatus for storing and delivering information on the Internet"* (Lambert, col.2, lines 24-27).

7. With regard to *claims 4, 13, 72, and 81,* Lambert and Hoffman disclose,

   - *wherein said sending uses a real-time transport protocol (RTP)* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

8. With regard to *claims 5 and 73,* Lambert and Hoffman disclose,

   - *wherein said request may be made by a caching proxy server or a client* (Lambert, col.5, lines 30-33, lines 35-38, lines 60-61; col.6, lines 10-12)

9. With regard to *claims 6, 10-11, 16, 19-20, 74, 78-79, 84, and 87-88,* Lambert and Hoffman disclose,

   - *wherein the server responding with an echo only if it supports the request* (Lambert, col.8, lines 3-7)
   - *wherein the response by the server comprising response for each supported RTP extension data and no response for any unsupported RTP extension data.*

(Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

- *further comprising receiving a request to send the streaming media data after sending a response for supported RTP extensions, and sending only the requested and supported by said one or more RTP extensions streaming media data.* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

10. With regard to *claims 8, 17-18, 76-77, 82, and 85-86,* Lambert and Hoffman disclose,

- *wherein the extensible extended header comprises an extension name and an extension identification (m) associated with each separate RTP extension.* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

11. With regard to *claims 15 and 83,* Lambert and Hoffman disclose,

- *wherein said sending a request may be for one or more various and unrelated types of streaming media data to be sent at a time* (Lambert, col.2, lines 30-60; col.5, lines 28-38; col.5, line 60 – col.6, line 12; col.12, lines 57-60; fig.2-3; fig.6; Hoffman, pg.7-10, sec.3.4, sec.3.4.1)

Response to Arguments

12. Applicant's arguments with respect to *claims 1, 3, 12, 69, 71, 80, 137-139, and 141-142* have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

April 26, 2006

Jason D. Cardone

Supervisory PE (AU2145)